IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 284/2004
(Narayan Vs. State of Rajasthan & Ors.)

Date of Order : 13/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. J.V.S.Deora on behalf of
Mr. T.S.Champawat for petitioner.
Mr. S.K.Mathur for the non-petitioners.
Mr. Ashok Upadhyay, public prosecutor for State.

BY THE COURT:-

Heard learned counsel for the parties. Perused the order impugned.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 20.2.2004 passed by Additional Chief Judicial Magistrate, Mandalgarh, district Bhilwara (for short 'the trial court' hereinafter) in Criminal Case No.34/2004.

By order dated 20.2.2004, the trial court gave the interim custody of the Motorcycle Bajaj Boxer in favour of non-petitioner No.2 Narayan as he being the registered owner of the said vehicle. The petitioner is neither complainant nor the

accused in the case. The vehicle in question is subject matter of offence under Section 392 IPC which has neither been recovered from the petitioner nor the petitioner was in possession of the same at the time of its recovery. Learned counsel for the petitioner submits that there was some scheme floated by a Committee on lottery basis and in lottery the said vehicle was to come to the petitioner in draw but it has wrongly been given to non-petitioner No.2. Be that as it may, as on the date the vehicle stands registered in the name of non-petitioner No.2 and prima-facie he is the right person to possess the vehicle on interim custody. If the petitioner has any grievance, he may agitate the matter before appropriate authority and get his right determined.

In the circumstances therefore, I do not find any error, illegality or perversity in the order impugned warranting interference under Section 482 Cr.P.C.

The petition is, therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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